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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Report of the Third Committee*

Rapporteur: Mr. Hassan Kassem **Najem** (Lebanon)

I. Introduction

1. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-third session the item entitled "Human rights questions: human rights situations and reports of special rapporteurs and representatives" and to allocate it to the Third Committee.

2. The Third Committee considered the item jointly with sub-items 110 (b) and (e) at its 33rd to 41st meetings, from 4 to 6 and on 9 and 10 November 1998, and took up proposals relating to sub-item (c) at its 46th to 52nd meetings, on 13 and from 16 to 20 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/53/SR.33–41 and 46–52).

3. For the documents before the Committee under this item, see A/53/625.

II. Consideration of proposals

A. Draft resolutions A/C.3/53/L.28 and L.29 and Rev.1

4. At the 50th meeting, on 19 November, the representative of Rwanda, on behalf of *Burundi*, the *Niger, Rwanda, Swaziland* and *Uganda,* introduced a draft resolution entitled "Situation of human rights in Rwanda" (A/C.3/53/L.28), which read:

* The report of the Committee on this item will be issued in six parts, under the symbol A/53/625 and Add.1–5.

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"*The General Assembly,*

"*Guided* by the Charter of the United Nations, the International Bill of Human Rights,[1] the Convention on the Prevention and Punishment of the Crime of Genocide[2] and other applicable human rights and humanitarian law standards,

"*Mindful* of the statements made by the United Nations High Commissioner for Human Rights and the Special Representative of the Commission on Human Rights, in general and on Rwanda in particular, during the fifty-third session of the General Assembly,

"*Noting* with satisfaction the report of the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda,[3]

"*Bearing in mind* the need to support Rwanda in its efforts to promote and create a national human rights capacity on a long-term and sustainable basis,

"1. *Expresses* its appreciation to the Governments and non-governmental organizations which have supported and continue to support Rwanda in the area of human rights, and to the United Nations High Commissioner for Human Rights, and requests her to support the Government of Rwanda in the following priority areas:

"(a) Training national human rights monitors;

"(b) Initiating human rights education programmes in formal and informal education;

"(c) Providing the National Human Rights Commission with the necessary financial and technical assistance;

"(d) Initiating a human rights public-awareness campaign using media resources;

"(e) Establishing a national centre for human rights as an information clearing house and training centre;[4]

"2. *Decides* to consider the situation of human rights in Rwanda at its fifty-fourth session, in the light of the report of the Special Representative of the Commission on Human Rights and the progress made by the Government of Rwanda in that regard."

5. At the same meeting, the representative of Canada, on behalf of *Andorra, Austria, Belgium, Canada, Chile,* the *Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco,* the *Netherlands, New Zealand, Norway, Portugal, Slovakia, Slovenia, Spain, Sweden,* the *United Kingdom of Great Britain and Northern Ireland* and the *United States of America,* introduced a draft resolution entitled "Situation of human rights in Rwanda" (A/C.3/53/L.29), which read as follows:

[1] See resolutions 217 A (III), 2200 A (XXI), annex and 44/128, annex.

[2] Resolution 260 A (III).

[3] A/53/402.

[4] See A/53/402, para. 18.

"*The General Assembly*,

"*Guided* by the Charter of the United Nations, the International Bill of Human Rights,[5] the Convention on the Prevention and Punishment of the Crime of Genocide[6] and other applicable human rights and humanitarian law standards,

"*Recalling* its resolution 52/146 of 12 December 1997 and relevant previous resolutions, and taking note of Commission on Human Rights resolution 1998/69 of 21 April 1998,[7]

"*Reaffirming* that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall Rwandan and United Nations responses to the situation in Rwanda and that a strengthened human rights component is indispensable to national reconciliation and reconstruction in Rwanda,

"1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda[8] and the report of the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda[9] and refers also to the relevant reports of the Special Rapporteur on violence against women and the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers;

"2. *Expresses its deep concern* at the widespread and serious violations of human rights and international humanitarian law in Rwanda, in particular at the high number of disappearances and killings in the context of the armed conflict in the north-west;

"3. *Reiterates* its strong condemnation of the crime of genocide, crimes against humanity and all other violations of human rights perpetrated in Rwanda;

"4. *Urges* all States to cooperate fully, without delay, with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, taking into account the obligations set forth in Security Council resolutions 955 (1994) of 8 November 1994 and 978 (1995) of 27 February 1995, and encourages the Secretary-General to facilitate the activities of the International Criminal Tribunal to the greatest extent possible;

"5. *Commends* the International Criminal Tribunal for Rwanda for the progress made in its work, and urges States to cooperate with the Tribunal to allow it to speed up proceedings;

"6. *Deeply regrets* that, despite the continued efforts of the High Commissioner for Human Rights no agreement could be reached between the Government of Rwanda and the United Nations High Commissioner for Human Rights on a new mandate for the Human Rights Field Operation in Rwanda, which

[5] See resolutions 217 A (III), 2200 A (XXI), annex and 44/128, annex.

[6] Resolution 260 A (III).

[7] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[8] A/53/367.

[9] A/53/402.

consequently led to the withdrawal of the Field Operation from Rwanda on 28 July 1998;

"7. *Welcomes* the decision of the Government of Rwanda to create a National Human Rights Commission, and urges the Government of Rwanda to take appropriate action to enable the Commission to be fully established and to begin functioning independently in accordance with the international principles relating to the development of independent, pluralistic national institutions for the promotion and protection of human rights;

"8. *Urges* the Government of Rwanda to undertake a broad public debate aimed at further strengthening the functioning and independence of the National Human Rights Commission, urges the Government of Rwanda to work with the United Nations High Commissioner for Human Rights to facilitate the debate, and encourages the United Nations High Commissioner for Human Rights to continue to provide appropriate assistance;

"9. *Notes* the commitment of the Government of Rwanda to investigating reports of extrajudicial executions committed by some members of its security forces and calls upon the competent national authorities to conduct those investigations promptly and with all due rigour;

"10. *Urges* the Government of Rwanda to give utmost priority to the prosecution and punishment of crimes of sexual violence committed against women, in line with the recommendations of the Special Rapporteur on violence against women;

"11. *Stresses* the need for continued efforts by the Government of Rwanda to ensure the independence of the judiciary and to further strengthen, with the support of the international community, the capacity of the judicial system, particularly to take additional steps to ensure full respect of fair trial guarantees, as required by Rwandan law, article 14 of the International Covenant on Civil and Political Rights,[10] and other international safeguards;

"12. *Welcomes* the continuation of trials of those suspected of genocide and crimes against humanity in Rwanda and the improvements that have been made in the trial process, particularly the expedition of the initial stages of prosecution;

"13. *Reiterates* its appeal to the international community to provide assistance to the Government of Rwanda to help strengthen the administration of justice, including with regard to adequate access to legal representation, to prosecute those responsible for genocide and other violations of human rights and to promote the rule of law in Rwanda, and notes with appreciation the assistance already provided by the donor community;

"14. *Welcomes and encourages* the release of detained persons on humanitarian grounds and urges the Government of Rwanda to establish adequate measures to facilitate the reintegration of released persons into society;

"15. *Reiterates its concern* at the conditions in most communal detention centres and prisons, emphasizes the need for greater attention and resources to be directed to that problem and encourages the Government of Rwanda to continue to look for pragmatic solutions to allow for an increase of the number of prisoners being

[10] Resolution 2200 A (XXI), annex.

released and reintegrated into society, and again urges the international community to assist the Government of Rwanda in that area;

"16. *Encourages* continued cooperation among the United Nations High Commissioner for Human Rights, the Special Representative of the Commission on Human Rights and the Government of Rwanda;

"17. *Decides* to keep the situation of human rights in Rwanda under consideration at its fifty-fourth session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council."

6. At the same meeting, statements were made by the representatives of Senegal, Canada and Rwanda (see A/C.3/53/SR.50).

7. At the 51st meeting, on 20 November, the Committee had before it a revised draft resolution entitled "Situation of human rights in Rwanda" (A/C.3/53/L.29/Rev.1), submitted by the sponsors of draft resolution A/C.3/53/L.29.

8. At the same meeting, the Secretary read out revisions agreed to during informal consultations whereby:

(a) Operative paragraph 3 was replaced by the following:

"3. *Expresses deep concern* at the continuing serious violations of human rights and international humanitarian law in the country, in particular those associated with the conflict in the north-west, and in regard to conditions of detention and the trial process of those accused of genocide and crimes against humanity"

(b) Operative paragraphs 16 and 17 were replaced by the following:

"16. *Expresses its appreciation* to Governments, the United Nations High Commissioner for Human Rights and non-governmental organizations, which have supported the Government of Rwanda in the area of human rights, and encourages further joint efforts of the Government of Rwanda and other Governments, the High Commissioner and non-governmental organizations in the area of human rights within mutually agreed frameworks of cooperation, taking into account, *inter alia,* the five-point plan of the Government of Rwanda, which includes the following priority areas, as outlined in the report of the Special Representative: (a) training national human rights monitors; (b) initiating human rights education programmes in formal and informal education; (c) providing the National Human Rights Commission with the necessary financial and technical assistance; (d) initiating a human rights public-awareness campaign using media resources; and (e) establishing a national centre for human rights as an information clearing house and training centre"

and the subsequent paragraphs were renumbered accordingly.

9. Also at the same meeting, the Committee adopted draft resolution A/C.3/53/L.29/Rev.1, as orally revised, without a vote (see para. 55, draft resolution I).

10. In the light of the adoption of revised draft resolution A/C.3/53/L.29/Rev.1, draft resolution A/C.3/53/L.28 was withdrawn by its sponsors.

11. After the adoption of the draft resolution, statements were made by the representatives of Canada and Austria (on behalf of the States Members of the United Nations that are members of the European Union (see A/C.3/53/SR.51).

B. Draft resolution A/C.3/53/L.34

12. At the 46th meeting, on 13 November, the representative of Austria, on behalf of *Andorra, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Costa Rica,* the *Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco,* the *Netherlands, Norway, Poland, Portugal, San Marino, Slovakia, Spain, Sweden,* the *United Kingdom of Great Britain and Northern Ireland* and the *United States of America,* introduced a draft resolution entitled "Situation of human rights in Iraq" (A/C.3/53/L.34). Subsequently, *Chile, Estonia* and the *Marshall Islands* joined in sponsoring the draft resolution.

13. At the 47th meeting, on 16 November, the representative of the Russian Federation made a statement in which he requested a separate vote on operative paragraphs 4, 13, 15 and 17 of the draft resolution.

14. At the same meeting, the Committee voted on draft resolution A/C.3/53/L.34 as follows:

(a) Operative paragraphs 4, 13, 15 and 17 were adopted by a recorded vote of 88 to 1, with 55 abstentions. The voting was as follows::

In favour:

Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belgium, Belize, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, Solomon Islands, Spain, Swaziland, Sweden, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against:

Libyan Arab Jamahiriya.

Abstaining:

Algeria, Angola, Bangladesh, Belarus, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, China, Colombia, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Fiji, Ghana, Guinea, India, Indonesia, Jordan, Lao People's Democratic Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Philippines, Russian Federation, Rwanda, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, United Arab Emirates, Viet Nam, Zimbabwe.

(b) Draft resolution A/C.3/53/L.34, as a whole, was adopted by a recorded vote of 92 to 2, with 56 abstentions (see para. 55, draft resolution II). The voting was as follows:

In favour:

Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Swaziland, Sweden, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against:

Libyan Arab Jamahiriya, Sudan.

Abstaining:

Algeria, Angola, Bahrain, Bangladesh, Benin, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central Africa Republic, China, Colombia, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Fiji, Ghana, Guinea, India, Indonesia, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Madagascar, Malaysia, Mali, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Philippines, Rwanda, Saint Lucia, Sierra Leone, Singapore, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zimbabwe.

15. Before the adoption of the draft resolution, statements in explanation of vote were made by the representatives of Egypt, the Sudan, Yemen, Iraq and Fiji, and after the adoption of the draft resolution, statements were made by the representatives of the Syrian Arab Republic and Kuwait (see A/C.3/53/SR.47).

C. Draft resolution A/C.3/53/L.38

16. At the 48th meeting, on 17 November, the representative of Austria, on behalf of *Andorra, Australia, Austria, Belgium, Bulgaria, Canada,* the *Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg,* the *Marshall Islands, Monaco,* the *Netherlands, Norway, Poland, Portugal, San Marino, Slovakia, Spain, Sweden,* the *United Kingdom of Great Britain and Northern Ireland* and the *United States of America,* introduced a draft resolution entitled "Situation of human rights in the Islamic Republic of Iran" (A/C.3/53/L.38).

17. At the 49th meeting, on 18 November, the representatives of El Salvador, Egypt, Pakistan, the Sudan, Fiji and the Islamic Republic of Iran made statements in explanation of vote before the vote.

18. At the same meeting, the Committee adopted draft resolution A/C.3/53/L.38 by a recorded vote of 63 to 35, with 60 abstentions (see para. 55, draft resolution III). The voting was as follows:

In favour:

Algeria, Andorra, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Romania, Russian Federation, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against:

Afghanistan, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, India, Indonesia, Iran (Islamic Republic of), Kuwait, Libyan Arab Jamahiriya, Malaysia, Maldives, Morocco, Myanmar, Oman, Pakistan, Philippines, Qatar, Saudi Arabia, Sierra Leone, Sri Lanka, Sudan, Syrian Arab Republic, Turkmenistan, Viet Nam, Zambia, Zimbabwe.

Abstaining:

Albania, Angola, Antigua and Barbuda, Bhutan, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Colombia, Côte d'Ivoire, Cyprus, Djibouti, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Guinea, Guyana, Jamaica, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Madagascar, Mali, Mauritania, Mexico, Mozambique, Namibia, Nepal, Nicaragua, Niger, Nigeria, Papua New Guinea, Republic of Korea, Republic of Moldova, Saint Lucia, Senegal, Singapore, South Africa, Suriname, Swaziland, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay.

19. After the adoption of the draft resolution, the representatives of the Russian Federation and Brazil made statements in explanation of vote.

D. Draft resolution A/C.3/53/L.43

20. At the 48th meeting, on 17 November, the representative of Venezuela, on behalf of *Andorra, Antigua and Barbuda, Argentina, Australia, Austria,* the *Bahamas, Barbados, Belgium, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark,* the *Dominican Republic, Ecuador, El Salvador, Finland, France, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Mexico, Monaco,* the *Netherlands, Norway, Panama, Paraguay, Peru, Portugal, Saint Lucia, Spain, Sweden, Trinidad and Tobago,* the *United Kingdom of Great Britain and Northern Ireland,* the *United States of America, Uruguay* and *Venezuela*, introduced a draft resolution entitled "Situation of human rights in Haiti" (A/C.3/53/L.43). Subsequently, *Nicaragua* joined in sponsoring the draft resolution.

21. In introducing the draft resolution, the representative of Venezuela orally revised the text as follows:

(a) In the penultimate preambular paragraph, the phrase "be able to express their wishes fully through free, honest and transparent elections" was replaced by the phrase "be able to fully express their will through free, fair and transparent elections";

(b) In operative paragraph 5, the word "statement" was replaced by the word "stalemate".

22. At the 49th meeting, on 18 November, the Committee adopted draft resolution A/C.3/53/L.43, as orally revised, without a vote (see para. 55, draft resolution IV).

23. After the adoption of the draft resolution, the representative of Haiti made a statement (see A/C.3/53/SR.49).

E. Draft resolution A/C.3/53/L.47

24. At the 48th meeting, on 17 November, the representative of Austria, on behalf of *Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile,* the *Congo, Costa Rica,* the *Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Monaco,* the *Netherlands, Norway, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden,* the *United Kingdom of Great Britain and Northern Ireland* and the *United States of America*, introduced a draft resolution entitled "Situation of human rights in the Democratic Republic of the Congo" (A/C.3/53/L.47). Subsequently, *Afghanistan, Liechtenstein* and *Poland* joined in sponsoring the draft resolution and the *Congo* withdrew as a sponsor.

25. At the same meeting, a statement was made by the representative of the Democratic Republic of the Congo (see A/C.3/53/SR.48).

26. At the 52nd meeting, on 20 November, the representative of Austria orally revised the draft resolution as follows:

(a) In the first preambular paragraph, the words "and as elaborated in" were deleted before the phrase "the Universal Declaration of Human Rights";

(b) In the third preambular paragraph, the word "*Recalling*" was replaced by the words "*Taking note of*";

(c) In operative paragraph 2, the words "*with appreciation*" were deleted after the words "*Takes note*";

(d) Operative paragraph 3, which had read:

> "3. *Expresses its deep concern* at the deterioration of the situation of human rights in the Democratic Republic of the Congo, which has been aggravated by the ongoing conflict in the country and the continuing violations of human rights and international humanitarian law by the Government of the Democratic Republic of the Congo and other parties involved in the conflict, in particular cases of summary and arbitrary execution, disappearances, torture, beatings, arbitrary arrest and detention without trial, sexual violence against women and children and the use of child soldiers, as well as the incitement to hatred against specific ethnic groups and attacks against civilians because of their ethnic origin"

was revised to read:

> "3. *Expresses its concern* at the deterioration of the situation of human rights in the Democratic Republic of the Congo, aggravated by the ongoing conflict in the country and the continuing violations of human rights and international humanitarian law committed in the territory of the Democratic Republic of the Congo, in particular cases of summary and arbitrary execution, disappearances, torture, beatings, arbitrary

arrest and detention without trial, sexual violence against women and children and the use of child soldiers";

(e) A new paragraph was inserted after operative paragraph 4 reading:

"5. *Supports* all regional efforts aiming at a peaceful settlement of the conflict"

and the subsequent paragraphs were renumbered accordingly;

(f) In operative paragraph 6 (former paragraph 5), the words "freely undertaken" were deleted before the word "obligations";

(g) Operative paragraph 7 (former paragraph 6), which had read:

"*Urges* the Government of the Democratic Republic of the Congo to extend equal protection to all persons under its jurisdiction, regardless of their origin";

was revised to read:

"*Stresses* the need for the Government of the Democratic Republic of the Congo to assist and protect the civilian population, including refugees and internally displaced persons within the territory of the Democratic Republic of the Congo";

(h) Operative paragraph 8 (former paragraph 7), which had read:

"*Calls upon* the Government of the Democratic Republic of the Congo and other parties to the conflict to allow the International Committee of the Red Cross unhindered access to all persons detained within the territory of the Democratic Republic of the Congo"

was revised to read:

"*Encourages* the Government of the Democratic Republic of the Congo to continue to allow the International Committee of the Red Cross unhindered access to all persons detained within the territory of the Democratic Republic of the Congo, and calls upon other parties to allow access also";

(i) Operative paragraph 9 (former paragraph 8), which had read:

"*Expresses its concern* at severe restrictions on the work of non-governmental organizations and media personnel, including the banning of human rights organizations, and the harassment and detention of human rights defenders and journalists, and urges the authorities of the Democratic Republic of the Congo to address these concerns"

was revised to read:

"*Stresses* the need to lift restrictions on the work of non-governmental organizations and to ensure respect for the right to freedom of expression and opinion and for the right to freedom of association";

(j) In operative paragraph 10 (former paragraph 9), the following was deleted from the end of the paragraph:

"in particular:

"(a) The early lifting of the ban on political parties and activities;

"(b) Guarantees for equal rights of all ethnic groups in the electoral process;

"(c) Freedom of association and assembly;

"(d) Freedom of opinion and expression, including access to State and independent media;

"(e) Freedom of movement within, as well as to and from, the country, including for representatives of political parties and non-governmental organizations";

(k) In operative paragraph 11 (former paragraph 10), the words "and calls for a broad and sustained public debate" were revised to read "and encourages a broad and sustained public debate";

(l) In operative paragraph 13 (former paragraph 12), the words "and the Government of Rwanda" were deleted after the words "and calls upon the Government of the Democratic Republic of the Congo";

(m) In operative paragraph 14 (former paragraph 13), the words "*Deplores* the failure of the Government of the Democratic Republic of the Congo to cooperate with the Special Rapporteur" were revised to read "*Regrets* the lack of cooperation of the Government of the Democratic Republic of the Congo with the Special Rapporteur";

(n) In operative paragraph 15 (former paragraph 14) the words "requests the Government" were replaced by the words "encourages the Government";

(o) In operative paragraph 17 (former paragraph 16), the words "and in any planning for an international peacekeeping or peace-building presence in the country" were deleted from the end of the paragraph;

(p) Operative paragraph 18 (former paragraph 17), which had read:

"*Invites* the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to investigate reports and allegations of hate propaganda and policies of ethnic hatred in the Democratic Republic of the Congo and to include relevant information in his report to the Commission on Human Rights at its fifty-fifth session".

was deleted.

27. Before the adoption of the draft resolution, a statement was made by the representative of the Democratic Republic of the Congo (see A/C.3/53/SR.52).

28. At the same meeting, *Canada* and the *United States of America* withdrew as sponsors.

29. Also at the same meeting, the Committee adopted draft resolution A/C.3/53/L.47, as orally revised, without a vote (see para. 55, draft resolution V).

F. Draft resolution A/C.3/53/L.51

30. At the 49th meeting, on 18 November, the Committee had before it a draft resolution entitled "Situation of human rights in Nigeria" (A/C.3/53/L.51), submitted by the Chairman on the basis of informal consultations.

31. At the same meeting, the Committee adopted draft resolution A/C.3/53/L.51, without a vote (see para. 55, draft resolution VI).

G. Draft resolution A/C.3/53/L.59

32. At the 48th meeting, on 16 November, the representative of Sweden, on behalf of *Andorra, Australia, Austria, Belgium, Bulgaria, Costa Rica,* the *Czech Republic, Estonia, France,* the *Gambia, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Monaco, New Zealand, Portugal, Romania, San Marino, Slovakia, Spain, Sweden,*

the *United Kingdom of Great Britain and Northern Ireland* and the *United States of America*, introduced a draft resolution entitled "Situation of human rights in Myanmar" (A/C.3/53/L.59). Subsequently, *Poland* and the *Republic of Korea* joined in sponsoring the draft resolution and the *Gambia* withdrew as a sponsor.

33. At the 50th meeting, on 19 November, a statement was made by the representative of Myanmar (see A/C.3/53/SR.50).

34. At the same meeting, the Committee adopted draft resolution A/C.3/53/L.59 without a vote (see para. 55, draft resolution VII).

35. After the adoption of the draft resolution, statements were made by the representatives of the Netherlands, the United States of America, Canada and Japan (see A/C.3/53/SR.50).

H. Draft resolution A/C.3/53/L.60

36. At the 49th meeting, on 18 November, the representative of the United States of America, on behalf of *Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada,* the *Czech Republic, Denmark, Djibouti, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Morocco,* the *Netherlands, Norway, Pakistan, Portugal, San Marino, Slovakia, Slovenia, Spain, Sweden, Turkey,* the *United Kingdom of Great Britain and Northern Ireland* and the *United States of America*, introduced a draft resolution entitled "Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)" (A/C.3/53/L.60). Subsequently, *New Zealand,* and the *United Arab Emirates* joined in sponsoring the draft resolution.

37. In introducing the draft resolution, the representative of the United States orally revised it as follows:

(a) In the last preambular paragraph, the words "former Yugoslavia" were replaced by the word "area";

(b) In operative paragraph 25, the words "undertake greater efforts" were replaced by the words "undertake additional efforts";

(c) In operative paragraph 42, the words "former Yugoslavia" were replaced by the words "Federal Republic of Yugoslavia (Serbia and Montenegro)".

38. At the 50th meeting, on 18 November, the representatives of the Russian Federation and the United States of America made statements (see A/C.3/53/SR.50).

39. At the same meeting, the representative of the United States of America further revised the draft resolution as follows:

(a) In operative paragraph 9, the phrase "cooperation by the Republic of Croatia and the Federation of Bosnia and Herzegovina which has resulted in" was replaced by the words "fact that" and in the last line, the phrase "being brought to justice" was replaced by the phrase "have been brought to justice";

(b) The beginning of operative paragraph 30, which had read:

"30. *Calls upon* Croatian authorities to prevent harassment, looting and physical attacks against displaced Serbs and other minorities, and in particular to end all involvement by Croatian military and police officials in such incidents, and speedily

to arrest those committing or instigating acts of violence and intimidation aimed at preventing the return of Croatian Serbs or others to their homes".

was revised to read:

"*Calls upon* the Croatian authorities to prevent harassment, looting and physical attacks against displaced Serbs and other minorities and others, and speedily to arrest those committing or instigating such acts aimed at preventing the return of Croatian Serbs or others to their homes and, in particular, to address immediately any allegations of individual involvement by Croatian police or members of the military, whether on or off duty, through appropriate disciplinary proceedings";

(c) At the end of operative paragraph 41, the phrase "while noting that the Federal Republic of Yugoslavia (Serbia and Montenegro) is allowing international verifiers into Kosovo" was added;

(d) At the end of operative paragraph 42, the words "ongoing field operations in the Federal Republic of Yugoslavia (Serbia and Montenegro)" were replaced by the words "United Nations Field Operation in the Former Yugoslavia".

40. Also at the same meeting, the representative of India made a statement (see A/C.3/53/SR.50).

41. At the same meeting, the Committee voted on draft resolution A/C.3/53/L.60 as follows:

(a) Section III of the draft resolution was adopted by a recorded vote of 127 to 1, with 17 abstentions. The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against:

Belarus.

Abstaining:

Angola, Benin, Burkina Faso, Cameroon, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Ethiopia, India, Lao

People's Democratic Republic, Mali, Namibia, Russian Federation, Sierra Leone, Zimbabwe.

(b) Draft resolution A/C.3/53/L.60, as a whole, was adopted, as orally revised, by a recorded vote of 132 to none, with 20 abstentions (see para. 55, draft resolution VIII). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Canada, Cape Verde, Central African Republic, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Fiji, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against:

None.

Abstaining:

Belarus, Benin, Burkina Faso, Cameroon, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Ethiopia, Ghana, Guinea, India, Lao People's Democratic Republic, Mali, Namibia, Russian Federation, Sierra Leone, United Republic of Tanzania, Zimbabwe.

42. Statements in explanation of vote were made by the representatives of the Russian Federation and Croatia (see A/C.3/53/SR.50).

43. After the adoption of the draft resolution, a statement was made by the representative of Austria (on behalf of the States Members of the United Nations that are members of the European Union) (see A/C.3/53/SR.50).

I. Draft resolution A/C.3/53/L.61

44. At the 48th meeting, on 17 November, the representative of the United States of America, on behalf of *Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Denmark, Djibouti, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco,* the *Netherlands, Norway, Portugal, San Marino, Slovenia, Spain, Sweden,* the *United Arab Emirates,* the *United Kingdom of Great Britain and*

Northern Ireland and the *United States of America*, introduced a draft resolution entitled "Situation of human rights in Kosovo" (A/C.3/53/L.61). Subsequently, *New Zealand* joined in sponsoring the draft resolution.

45. In introducing the draft resolution, the representative of the United States of America orally revised it as follows:

(a) Operative paragraph 14 (c), which had read:

"(c) To allow complete, unimpeded access to Kosovo for all forensic experts of the International Tribunal for the Former Yugoslavia, to examine the recently alleged atrocities against civilians"

was revised to read:

"(c) To allow complete, unimpeded access for the International Tribunal for the Former Yugoslavia and its forensic experts to Kosovo, to examine the recently alleged atrocities against civilians";

(b) In operative paragraph 32, the phrase "in the territory of the former Yugoslavia" was replaced by the phrase "in the territories of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)".

46. At the 49th meeting, on 18 November, statements were made by the representatives of France and Turkey (see A/C.3/53/SR.49).

47. At the same meeting, following a request by the representative of the Russian Federation, the Committee adopted draft resolution A/C.3/53/L.61, as orally revised, by a recorded vote of 115 to 3, with 34 abstentions (see para. 55, draft resolution IX). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Canada, Cape Verde, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Poland, Portugal, Qatar, Republic of Korea, Romania, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sudan, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Zambia.

Against:

Belarus, India, Russian Federation.

Abstaining:

Benin, Bhutan, Botswana, Burkina Faso, Burundi, Cameroon, Central African Republic, China, Colombia, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Eritrea, Ethiopia, Ghana, Guinea, Jamaica, Lao People's Democratic Republic,

Madagascar, Mozambique, Myanmar, Namibia, Nepal, Peru, Philippines, Republic of Moldova, Singapore, Sri Lanka, the former Yugoslav Republic of Macedonia, Uganda, Ukraine, United Republic of Tanzania, Venezuela, Zimbabwe.

48. Statements in explanation of vote were made by the representatives of the Russian Federation, Peru and Venezuela (see A/C.3/53/SR.49).

49. After the adoption of the draft resolution, a statement was made by the representative of Austria (on behalf of the States Members of the United Nations that are members of the European Union) (see A/C.3/53/SR.49).

J. Draft resolution A/C.3/53/L.63

50. At the 51st meeting, on 20 November, the Committee had before it a draft resolution entitled "Situation of human rights in Afghanistan" (A/C.3/53/L.63), submitted by the Chairman on the basis of informal consultations.

51. At the same meeting, the representative of Italy corrected operative paragraph 3 by deleting the word "new" before the words "mass killings".

52. Before the adoption of the draft resolution, a statement was made by the representative of Pakistan (see A/C.3/53/SR.51).

53. Also at the same meeting, the Committee adopted draft resolution A/C.3/53/L.63, as orally corrected, without a vote (see para. 55, draft resolution X).

54. After the adoption of the draft resolution, a statement was made by the representative of Afghanistan (see A/C.3/53/SR.51).

III. Recommendations of the Third Committee

55. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

Situation of human rights in Rwanda

The General Assembly,

Guided by the Charter of the United Nations, the International Bill of Human Rights,[11] the Convention on the Prevention and Punishment of the Crime of Genocide[12] and other applicable human rights and humanitarian law standards,

Recalling its resolution 52/146 of 12 December 1997 and relevant previous resolutions, and taking note of Commission on Human Rights resolution 1998/69 of 21 April 1998,[13]

Reaffirming that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall Rwandan and

[11] See resolutions 217 A (III), 2200 A (XXI), annex and 44/128, annex.

[12] Resolution 260 A (III).

[13] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

United Nations responses to the situation in Rwanda and that a strengthened human rights component is indispensable to national reconciliation and reconstruction in Rwanda,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda[14] and the report of the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda[15] and refers also to the relevant reports of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences[16] and the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers;[17]

2. *Reiterates* its strong condemnation of the crime of genocide and crimes against humanity committed in Rwanda in 1994;

3. *Expresses deep concern* at the continuing serious violations of human rights and international humanitarian law in the country, in particular those associated with the conflict in the north-west, and in regard to conditions of detention and the trial process of those accused of genocide and crimes against humanity;

4. *Urges* all States to cooperate fully, without delay, with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, taking into account the obligations set forth in Security Council resolutions 955 (1994) of 8 November 1994 and 978 (1995) of 27 February 1995, and encourages the Secretary-General to facilitate the activities of the International Criminal Tribunal to the greatest extent possible;

5. *Commends* the International Criminal Tribunal for Rwanda for the progress made in its work, and urges the Tribunal to find further ways to speed up its proceedings;

6. *Deeply regrets* that no agreement could be reached on a new mandate for the Human Rights Field Operation in Rwanda, which consequently led to the withdrawal of the Field Operation from Rwanda on 28 July 1998;

7. *Welcomes* the decision of the Government of Rwanda to create a National Human Rights Commission, and urges the Government of Rwanda to take appropriate action to enable the Commission to be fully established and to begin functioning independently in accordance with the international principles relating to the development of independent, pluralistic national institutions for the promotion and protection of human rights;

8. *Encourages* further efforts by the Government of Rwanda to undertake a broad public debate aimed at further strengthening the functioning and independence of the National Human Rights Commission, urges the Government of Rwanda to work with the United Nations High Commissioner for Human Rights to facilitate the debate, and encourages the United Nations High Commissioner for Human Rights to continue to provide appropriate assistance;

9. *Supports and encourages* continued efforts by the Government of Rwanda to prosecute violations committed by some elements of its armed forces, and in this context notes with interest the reinforcement of the Military Prosecutors Department, which will

[14] A/53/367.

[15] A/53/402.

[16] E/CN.4/1998/54/Add.1.

[17] E/CN.4/1998/39.

increase the capacity of the Rwandan Patriotic Army to conduct internal investigations and bring accused persons to trial;

10. *Urges* the Government of Rwanda to give the utmost priority to the prosecution and punishment of crimes of sexual violence committed against women, in line with the recommendations of the Special Rapporteur on violence against women;

11. *Encourages* the Government of Rwanda to further ensure the independence of the judiciary and, with the support of the international community, to strengthen the capacity of the judicial system, particularly taking additional steps to ensure full respect of fair trial guarantees, as required by Rwandan law, article 14 of the International Covenant on Civil and Political Rights,[18] and other international safeguards;

12. *Welcomes* the continuation of trials of those suspected of genocide and crimes against humanity in Rwanda and the improvements that have been made in the trial process, particularly the expedition of the initial stages of prosecution;

13. *Reiterates* its appeal to the international community to provide assistance to the Government of Rwanda to help strengthen the protection of genocide survivors and witnesses, and the administration of justice, including with regard to adequate access to legal representation, to prosecute those responsible for genocide and other violations of human rights and to promote the rule of law in Rwanda, and notes with appreciation the assistance already provided by the donor community;

14. *Welcomes and encourages* the release of minors, elderly prisoners, prisoners suffering from terminal illnesses and suspects with incomplete files who were detained for their alleged involvement in genocide and other abuses of human rights, and urges the Government of Rwanda to establish adequate measures to facilitate the reintegration of released persons into society;

15. *Reiterates its concern* at the conditions in most communal detention centres and prisons, emphasizes the need for greater attention and resources to be directed to that problem and encourages the Government of Rwanda to continue to look for pragmatic solutions to allow for an increase of the number of prisoners being released and reintegrated into society, and again urges the international community to assist the Government of Rwanda in that area;

16. *Expresses its appreciation* to Governments, the United Nations High Commissioner for Human Rights and non-governmental organizations, which have supported the Government of Rwanda in the area of human rights, and encourages further joint efforts of the Government of Rwanda and other Governments, the High Commissioner and non-governmental organizations in the area of human rights within mutually agreed frameworks of cooperation, taking into account, *inter alia*, the five-point plan of the Government of Rwanda, which includes the following priority areas, as outlined in the report of the Special Representative:[19] (a) training national human rights monitors; (b) initiating human rights education programmes in formal and informal education; (c) providing the National Human Rights Commission with the necessary financial and technical assistance; (d) initiating a human rights public-awareness campaign using media resources; and (e) establishing a national centre for human rights as an information clearing house and training centre;

[18] Resolution 2200 A (XXI), annex.

[19] A/53/402, para. 18.

17. *Encourages* continued cooperation among the United Nations High Commissioner for Human Rights, the Special Representative of the Commission on Human Rights and the Government of Rwanda;

18. *Decides* to keep the situation of human rights in Rwanda under consideration at its fifty-fourth session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

Draft resolution II

Situation of human rights in Iraq

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights,[20] the International Covenants on Human Rights[21] and other applicable human rights instruments,

Mindful that Iraq is a party to the International Covenants on Human Rights, to other international human rights instruments and to the Geneva Conventions of 12 August 1949[22] on the protection of victims of war,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, and taking note of the most recent, Commission on Human Rights resolution 1998/65 of 21 April 1998,[23]

Taking note of the concluding observations of the Committee on the Rights of the Child[24] following the Committee's consideration of the initial report of Iraq under the Convention on the Rights of the Child,[25]

Recalling Security Council resolution 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention; Security Council resolutions 687 (1991) of 3 April 1991 and 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with international humanitarian organizations and that the human rights of all Iraqi citizens be respected; and Security Council resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998 and 1175 (1998) of 19 June 1998, by which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies,

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[20] Resolution 217 A (III).

[21] Resolution 2200 A (XXI), annex.

[22] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

[23] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[24] CRC/C/15/Add.94.

[25] Resolution 44/25, annex.

Taking note of the reports of the Secretary-General concerning the implementation of Security Council resolutions 986 (1995),[26] 1111 (1997),[27] 1129 (1997),[28] 1143 (1997)[29] and 1153 (1998),[30] in particular his report of 1 September 1998,[30]

1. *Takes note with appreciation* of the interim report on the situation of human rights in Iraq submitted by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq[31] and the observations, conclusions and recommendations contained therein, and notes with dismay that there has been no improvement in the situation of human rights in the country;

2. *Calls upon* the Government of Iraq to abide by its freely undertaken obligations under international human rights treaties and international humanitarian law and to respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

3. *Also calls upon* the Government of Iraq to cooperate with United Nations human rights mechanisms, in particular by receiving a return visit by the Special Rapporteur of the Commission on Human Rights to Iraq and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

4. *Strongly condemns* the systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in all-pervasive repression and oppression;

5. *Condemns* the suppression of freedom of thought, expression, information, association, assembly and movement through fear of arrest, imprisonment and other sanctions, in particular the death penalty;

6. *Also condemns* the widespread use of the death penalty in disregard of the provisions of the International Covenant on Civil and Political Rights[32] and the United Nations safeguards, including for petty crimes such as property theft and customs violations;

7. *Strongly condemns* summary and arbitrary executions, including political killings, enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law, and calls upon the Government of Iraq to provide an accounting for the clean-out of prisons where there is credible evidence of mass summary executions;

8. *Expresses its deep concern* at widespread, systematic torture in its most cruel forms, and the enactment and implementation of decrees prescribing cruel and inhuman punishment as a penalty for offences;

9. *Calls upon* the Government of Iraq to abrogate all decrees that prescribe cruel and inhuman punishment or treatment, including mutilations, and to ensure that torture and cruel punishment and treatment no longer occur, and also to abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986,

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[26] S/1996/1015.

[27] S/1997/935.

[28] S/1998/90.

[29] S/1998/194 and Corr.1 and S/1998/477.

[30] S/1998/823.

[31] A/53/433.

[32] See resolution 2200 A (XXI), annex.

that penalize free expression and to ensure that the genuine will of the people shall be the basis of the authority of the State;

10. *Also calls upon* the Government of Iraq to restore the independence of the judiciary and to abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

11. *Demands* that the Government of Iraq bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;[32]

12. *Urges* the Government of Iraq to put an end without delay to the continuing enforced displacement of persons on discriminatory grounds;

13. *Also urges* the Government of Iraq to respect the rights of all ethnic and religious groups and to cease immediately its repressive practices aimed at the Iraqi Kurds, Assyrians, Turkomen and the population of the southern marsh areas, and to ensure the personal integrity and freedoms of the Shi'a and their religious establishment;

14. *Calls upon* the Government of Iraq to cooperate with the Tripartite Commission to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third-country nationals victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights for that purpose and to pay compensation to the families of those who died or disappeared in the custody of the Iraqi authorities through the mechanism established by the Security Council in its resolution 692 (1991) of 20 May 1991, and to release immediately all Kuwaitis and nationals of other States who may still be held in detention;

15. *Also calls upon* the Government of Iraq to increase its cooperation with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country, in particular to ensure the right to an adequate standard of living, including to food and health care;

16. *Takes note* of the appreciation of the Secretary-General, as expressed in his report of 1 September 1998,[30] of the continued cooperation of Iraq in implementation of Security Council resolutions 986 (1995), 1111 (1997), 1129 (1997), 1143 (1997) and 1153 (1998) and the Memorandum of Understanding between the Secretariat of the United Nations and the Government of Iraq on this issue, concluded on 20 May 1996;[33]

17. *Calls upon* the Government of Iraq to continue to cooperate in the implementation of Security Council resolutions 986 (1995), 1111 (1997), 1143 (1997) and 1153 (1998) and to ensure fully the equitable distribution, without discrimination, to the Iraqi population of the humanitarian supplies purchased with the proceeds of Iraqi oil, including to remote areas, and to continue to facilitate the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers throughout the country;

18. *Requests* the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate;

19. *Decides* to continue the examination of the situation of human rights in Iraq at its fifty-fourth session under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

[33] S/1996/356, annex.

Draft resolution III

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[34] the International Covenants on Human Rights[35] and other human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights,

Recalling its previous resolutions on this subject, including the most recent, resolution 52/142 of 12 December 1997, and Commission on Human Rights resolution 1998/80 of 22 April 1998,[36]

1. *Welcomes* the interim report of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran,[37] and takes note of the conclusion of the Special Representative that a political will exists to move Iranian society to a more tolerant and more peaceful condition but that, while some sectors are already benefiting from this progress, significant violations of human rights continue to occur;

2. *Welcomes* the commitment made by the Government of the Islamic Republic of Iran to promote respect for the rule of law, including the elimination of arbitrary arrest and detention, and to reform the legal and penitentiary system, including the closure of detention centres outside the national prison system, and to bring it into line with international human rights standards in this field, and calls upon the Government to take all necessary steps in this regard;

3. *Welcomes* the more open debate in the Islamic Republic of Iran on issues of governance and human rights, as well as governmental efforts to make progress in the area of freedom of expression, while remaining concerned at instances of arbitrary closure of publications, widely reported cases of harassment and persecution of persons, including writers and members of the press;

4. *Welcomes* a more positive approach by the Government of the Islamic Republic of Iran with regard to freedom of assembly, as well as the support given to the development of non-governmental organizations, and expresses its hope that freedom for political activities will become more effective;

5. *Takes note with interest* of the increasing focus of the Islamic Human Rights Commission on the situation of human rights in the Islamic Republic of Iran, including the examination of individual complaints and training activities, and expresses its hope that the Commission will become a truly independent agency for the promotion and protection

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[34] Resolution 217 A (III).

[35] Resolution 2200 A (XXI), annex.

[36] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[37] A/53/423.

of human rights in line with the 1993 Principles Relating to the Status of National Institutions for the Promotion and Protection of Human Rights;[38]

6. *Welcomes* the assurances given by the Government of the Islamic Republic of Iran that it has no intention of taking any action whatsoever to threaten the life of Salman Rushdie and those associated with his work or of encouraging or assisting anyone to do so, and that it disassociates itself from any reward offered in this regard and does not support it, but expresses its concern at continuing threats to the life of Salman Rushdie, including the increase announced in the bounty;

7. *Expresses its concern* at the continuing violations of human rights in the Islamic Republic of Iran, as reported by the Special Representative, in particular executions in the apparent absence of respect for internationally recognized safeguards, the use of national security laws as a basis for derogating from the rights of the individual, cases of torture and cruel, inhuman or degrading treatment or punishment, including sentences of stoning and amputation, as well as the failure to meet international standards in the administration of justice and the absence of due process of law;

8. *Also expresses its concern* at the discrimination against religious minorities and in particular remains gravely concerned at the unabated pattern of persecution against the Baha'is, in particular the execution and sentencing to death and arrests of members of the Baha'i community, and calls upon the Government to implement the recommendations of the Special Rapporteur of the Commission on Human Rights on religious intolerance relating to the Baha'is and to other religious minorities, until they are completely emancipated;

9. *Takes note* of statements made by the Government of the Islamic Republic of Iran about the need to review laws and attitudes which discriminate against women, and, remaining concerned at the lack of full and equal enjoyment by women of their human rights, as reported by the Special Representative, calls upon the Government to take substantive and effective measures to eliminate discrimination in law and in practice against women;

10. *Calls upon* the Government of the Islamic Republic of Iran to continue its efforts and to abide by its freely undertaken obligations under the International Covenants on Human Rights and under other international instruments on human rights, and to ensure that all individuals within its territory and subject to its jurisdiction, including persons belonging to religious minorities, enjoy all the rights enshrined in those instruments;

11. *Calls upon* the Government of the Islamic Republic of Iran to ensure that capital punishment will not be imposed for other than the most serious crimes, for apostasy, or otherwise in disregard of the provisions of the International Covenant on Civil and Political Rights[35] and United Nations safeguards, and to provide the Special Representative with relevant statistics on this matter;

12. *Also calls upon* the Government of the Islamic Republic of Iran to make full use of technical cooperation programmes in the field of human rights, and welcomes in this context the willingness of the Government to introduce international human rights standards into the curricula of universities;

13. *Deplores* the fact that no invitation has yet been extended by the Government of the Islamic Republic of Iran to the Special Representative to visit the country, and calls upon the Government to extend an invitation to him and to resume its full cooperation with the Special Representative in the discharge of his mandate;

[38] Resolution 48/134, annex.

14. *Decides* to continue the examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, at its fifty-fourth session under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

Draft resolution IV

Situation of human rights in Haiti

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights[39] and the International Covenants on Human Rights,[40]

Recalling its resolution 52/138 of 12 December 1997, and taking note of Commission on Human Rights resolution 1998/58 of 17 April 1998,[41]

Recognizing the interdependence and mutual reinforcement between democracy, development and respect for human rights and fundamental freedoms and the commitment of the international community to supporting, strengthening and promoting this principle,

Taking note of the report of the independent expert of the Commission on Human Rights on the situation of human rights in Haiti, Adama Dieng[42] who was appointed to assist the Government of Haiti to consider the development of the situation of human rights in Haiti and to verify its compliance with its obligations in that field, and the recommendations contained therein,

Taking into account the report of the Secretary-General on the implementation of the programme of technical cooperation aimed at strengthening the institutional capacity of Haiti in the field of human rights,[43]

Recognizing the important contributions of the International Civilian Mission in Haiti, the United Nations Civilian Police Mission in Haiti and the National Commission on Truth and Justice to the task of restoring and strengthening democracy in Haiti and of establishing a climate of freedom and tolerance conducive to respect for human rights in that country,

Noting with satisfaction that, in its resolution 52/174 of 18 December 1997, the General Assembly renewed the mandate of the United Nations component of the International Civilian Mission of the Organization of American States and the United Nations in Haiti,

Welcoming the technical assistance for the institutional development of the Haitian National Police given by the United Nations Development Programme and other members of the international community,

Noting that, despite the efforts of the Government to improve the situation of human rights in Haiti, in respect of which some progress has been reported, serious problems still persist, relating mainly to the system for the administration of justice,

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[39] Resolution 217 A (III).

[40] Resolution 2200 A (XXI), annex.

[41] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[42] A/53/355.

[43] A/53/530.

Noting with concern that the prolonged absence of a Prime Minister has had adverse consequences for the situation of human rights, as stated in the report of the independent expert,[42]

Reiterating the hope that the Haitian people will, at the earliest possible date, be able to fully express their will through free, fair and transparent elections,

Welcoming the decision of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences to travel to Haiti on mission in November 1998,

1. *Expresses its thanks* to the Secretary-General, his Special Representative for Haiti and the independent expert of the Commission on Human Rights on the situation of human rights in Haiti for their continuing efforts in favour of the consolidation of democratic institutions in Haiti and the respect for human rights in that country;

2. *Welcomes* the decision of the Government of Haiti to distribute throughout the country, with the support of the International Civilian Mission in Haiti, the report of the National Commission on Truth and Justice of February 1996 and to initiate legal action in serious cases;

3. *Encourages* the Government of Haiti to continue its work on the reform of the judicial system, underlining the priority of that reform in the framework of the bilateral and multilateral assistance provided by the international community, including the United Nations Development Programme, and, in this connection, calls upon all sectors of Haitian society concerned to adopt coordinated measures with a view to the enhancement of the system for the administration of justice, which is essential to ensure respect for human rights;

4. *Calls upon* the Haitian authorities to mobilize the political will for the pursuit of reform and for the strengthening of the judicial system and the improvement of the country's prisons;

5. *Expresses its deep concern* at the prolonged political stalemate, which presents considerable risks for democracy, economic and social development and respect for human rights, and in this regard urges the authorities and political leaders to continue their efforts to resolve the crisis so that the appointment of a Prime Minister may be ratified by the Parliament without further delay;

6. *Notes with satisfaction* the putting into operation by the Government of Haiti of the Office of the Ombudsman, and invites the United Nations High Commissioner for Human Rights to contribute to its strengthening through a programme of technical cooperation, so that it may develop into a national institution for the promotion of human rights, open to wide participation by civil society;

7. *Invites* the international community, including the Bretton Woods institutions, to continue their involvement in the reconstruction and development of Haiti, having regard for the fragility of the political, social and economic situation of the country;

8. *Encourages* the Government of Haiti to ratify the International Covenant on Economic, Social and Cultural Rights,[40] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[44] and the Optional Protocols to the International Covenant on Civil and Political Rights;[45]

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[44] Resolution 39/46, annex.

[45] See resolutions 2200 A (XXI), annex, and 44/128, annex.

9. *Decides* to continue its consideration of the situation of human rights and fundamental freedoms in Haiti at its fifty-fourth session.

Draft resolution V

Situation of human rights in the Democratic Republic of the Congo

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations, the Universal Declaration of Human Rights,[46] the International Covenants on Human Rights[47] and other applicable human rights instruments,

Mindful that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,[48] as well as to the African Charter on Human and Peoples' Rights,[49]

Taking note of Commission on Human Rights resolution 1998/61 of 21 April 1998,[50]

Having considered the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo,[51] and taking note of the report of the Investigative Team of the Secretary-General,[52]

1. *Expresses its deep concern* at the impact of the current conflict in the Democratic Republic of the Congo on the situation of human rights in that country and its adverse effects on the civilian population;

2. *Takes note* of the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo;[51]

3. *Expresses its concern* at the deterioration of the situation of human rights in the Democratic Republic of the Congo, aggravated by the ongoing conflict in the country and the continuing violations of human rights and international humanitarian law committed in the territory of the Democratic Republic of the Congo, in particular cases of summary and arbitrary execution, disappearances, torture, beatings, arbitrary arrest and detention without trial, sexual violence against women and children and the use of child soldiers;

4. *Urges* all parties to the conflict to take the necessary measures to prevent all violations of human rights and international humanitarian law by forces under their command and to abstain from inciting ethnic hatred and from persecuting civilians on the grounds of nationality or ethnicity;

5. *Supports* all regional efforts aiming at a peaceful settlement of the conflict;

6. *Calls upon* the Government of the Democratic Republic of the Congo to comply with its obligations under international human rights instruments to which the Democratic

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[46] Resolution 217 A (III).

[47] Resolution 2200 A (XXI), annex.

[48] Resolution 2106 A (XX), annex.

[49] United Nations, *Treaty Series*, vol. 1520, No. 26363.

[50] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap II, sect. A.

[51] E/CN.4/1998/65 and Corr.1.

[52] S/1998/581, annex.

Republic of the Congo is a party and to promote and protect human rights and fundamental freedoms;

7. *Stresses* the need for the Government of the Democratic Republic of the Congo to assist and protect the civilian population, including refugees and internally displaced persons within the territory of the Democratic Republic of the Congo;

8. *Encourages* the Government of the Democratic Republic of the Congo to continue to allow the International Committee of the Red Cross unhindered access to all persons detained within the territory of the Democratic Republic of the Congo, and calls upon other parties to allow access also;

9. *Stresses* the need to lift restrictions on the work of non-governmental organizations and to ensure respect for the right to freedom of expression and opinion and for the right to freedom of association;

10. *Recalls and welcomes* the expressed commitment of the Government of the Democratic Republic of the Congo to a process of democratization, leading, through the establishment of democratic institutions and the holding of elections, to the creation of a State based on the rule of law and respect for human rights, including representative and accountable government, and calls upon the Government of the Democratic Republic of the Congo to create conditions that would allow for a democratization process that is genuine and inclusive and fully reflects the aspirations of the people of the country;

11. *Welcomes* the establishment by the Government of the Democratic Republic of the Congo of the Constitutional Commission, inaugurated on 5 November 1997, and its elaboration of a new draft Constitution, and encourages a broad and sustained public debate on the principles of the new Constitution before the holding of a referendum;

12. *Also welcomes* the expressed commitment of the Government of the Democratic Republic of the Congo to reforming and restoring the efficacy of the judicial system, and calls upon the Government to take all necessary measures in this regard;

13. *Recalls* the report of the Investigative Team of the Secretary-General charged with investigating serious violations of human rights and international humanitarian law in the Democratic Republic of the Congo,[52] and calls upon the Government of the Democratic Republic of the Congo to investigate, without delay, the allegations contained in the report of the Investigative Team and to bring to justice any persons found to have been involved in massacres, atrocities or other violations of international humanitarian law;

14. *Regrets* the lack of cooperation of the Government of the Democratic Republic of the Congo with the Special Rapporteur, and urges the Government to allow the Special Rapporteur to visit the country;

15. *Welcomes* the activities of the Human Rights Field Office in the Democratic Republic of the Congo and encourages the Government of the Democratic Republic of the Congo to extend full cooperation to its operations;

16. *Calls upon* the international community to provide assistance in the field of human rights, in particular to the Human Rights Field Office with a view to reinforcing its capacity to continue to monitor and report on the situation of human rights throughout the Democratic Republic of the Congo, to support the efforts of the Government of the Democratic Republic of the Congo towards strengthening the rule of law and the administration of justice, and to provide the necessary assistance with respect to building national capacity, especially to support and strengthen non-governmental human rights organizations;

17. *Underlines* the need to take human rights considerations fully into account in any settlement of the conflict;

18. *Decides* to continue to examine the situation of human rights in the Democratic Republic of the Congo, and requests the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo to report to the General Assembly at its fifty-fourth session.

Draft resolution VI

Situation of human rights in Nigeria

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights,[53] the International Covenants on Human Rights[54] and other applicable human rights instruments,

Recalling that Nigeria is a party to the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination,[55] the Convention on the Elimination of Discrimination against Women[56] and the Convention on the Rights of the Child,[57] as well as the African Charter on Human and Peoples' Rights,[58]

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the situation of human rights in Nigeria,

Welcoming the positive contribution which Nigeria has been making through the Economic Community of West African States in support of democratic governance within the West African region,

Noting the encouraging positive steps taken by the Government of Nigeria, which deserve full support and have been welcomed by the people of Nigeria as well as the international community, including the Commonwealth and the European Union,

1. *Takes note with appreciation* of the interim report of the Special Rapporteur on the situation of human rights in Nigeria;[59]

2. *Welcomes* the announcement by General Abdulsalami Abubakar of a new programme of transition to civilian rule, and notes with satisfaction the commitment of the Government of Nigeria to fully restoring democracy, the rule of law and respect for human rights;

3. *Takes note with satisfaction* of the concrete steps taken to date to implement the programme of transition and looks forward to further measures in this regard;

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[53] Resolution 217 A (III).

[54] Resolution 2200 A (XXI), annex.

[55] Resolution 2106 A (XX), annex.

[56] Resolution 34/180, annex.

[57] Resolution 44/25, annex.

[58] United Nations *Treaty Series*, vol. 1520, No. 26363.

[59] A/53/366, annex.

4. *Expresses its full support* to the Government of Nigeria in the important process of building a peaceful and stable Nigeria rooted in the rule of law, democracy and respect for human rights;

5. *Welcomes* the fact that the Government of Nigeria is reviewing the remaining decrees, and urges it to repeal urgently those which have an impact on the fundamental human rights of its citizens;

6. *Encourages* all sectors of Nigerian society to participate actively and constructively in the process of democratization and the re-establishment of civilian rule;

7. *Notes with satisfaction* the establishment of the Independent National Electoral Commission and the issuance of a detailed timetable for the election process, to be completed with the holding of presidential elections on 27 February 1999 and the handing over to a civilian government on 29 May 1999;

8. *Welcomes* the invitations extended by the Government of Nigeria to the United Nations, the Organization of African Unity, the Commonwealth and the European Union to provide electoral assistance and to observe the elections at all levels so as to ensure the credibility of the electoral process;

9. *Welcomes* the declared commitment of the Government of Nigeria to protect freedom of expression, in particular freedom of the press, and notes with interest the first steps taken to reform laws governing the media;

10. *Welcomes* the release of political prisoners, including the twenty detainees from Ogoni, and expresses the hope for swift clarification of remaining pending cases;

11. *Stresses* that the establishment and strengthening of national structures and institutions in the field of human rights are of the utmost importance for the promotion and protection of human rights in Nigeria;

12. *Commends* the National Human Rights Commission of Nigeria for its important work, and encourages the Government of Nigeria to provide the Commission with adequate resources and to fully respect its independence;

13. *Calls upon* all States and the organizations of the United Nations system to support generously the ongoing transitional process in Nigeria, in particular the electoral process and the strengthening of national capacity in the field of human rights, and to respond positively to requests for technical assistance and advisory services;

14. *Welcomes* the decision of the European Union, the Commonwealth and the Government of the United States of America to start lifting sanctions on Nigeria in the light of the progress made towards the restoration of democratic government and respect for human rights;

15. *Calls upon* the Government of Nigeria to abide by its freely undertaken obligations under the International Covenants on Human Rights and other human rights instruments in the implementation of the programme of transition and beyond;

16. *Calls upon* the Government of Nigeria to follow up the recommendations contained in the interim report of the Special Rapporteur;[59]

17. *Welcomes* the invitation to visit the country extended to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Nigeria;

18. *Decides* to continue its consideration of the situation of human rights in Nigeria with a view to concluding it at its fifty-fourth session in the light of further developments and relevant decisions of the Commission on Human Rights at its fifty-fifth session.

Draft resolution VII

Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights,[60] the International Covenants on Human Rights[61] and other applicable human rights instruments,

Aware that, in accordance with the Charter, the United Nations promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government,

Recalling its resolution 52/137 of 12 December 1997,

Also recalling Commission on Human Rights resolution 1992/58 of 3 March 1992,[62] in which the Commission, *inter alia*, decided to nominate a special rapporteur with a given mandate, and resolution 1998/63 of 21 April 1998,[63] in which the Commission decided to extend for one year the mandate of its Special Rapporteur on the situation of human rights in Myanmar,

Gravely concerned that the Government of Myanmar still has not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Noting the contact between the Government of Myanmar and the National League for Democracy, but regretting the failure of the Government of Myanmar to engage in a substantive political dialogue with Aung San Suu Kyi and other political leaders, including representatives of ethnic groups,

Noting with concern that the Government of Myanmar has not permitted a visit by the special emissary of the Secretary-General,

Noting with deep regret the continuing failure of the Government of Myanmar to cooperate with the Special Rapporteur,

Gravely concerned at the continuing and consistent violations of human rights in Myanmar, as reported by the Special Rapporteur,

Noting with grave concern the content of the report of the International Labour Organization Commission of Inquiry,[64] appointed in March 1997 in accordance with article 26 of the Constitution of the International Labour Organization, regarding the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29), which indicates a widespread and systematic use of forced labour imposed by the military on the civilian population,

Recalling the observation made by the Special Rapporteur that the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar,

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[60] Resolution 217 A (III).

[61] Resolution 2200 A (XXI), annex.

[62] See *Official Records of the Economic and Social Council, 1992, Supplement No. 22* (E/1992/22), chap. II, sect. A.

[63] Ibid., *1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[64] See A/53/364, annex, paras. 41–49.

1. *Expresses its appreciation* to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar for his interim report;[65]

2. *Urges* the Government of Myanmar to cooperate fully with all United Nations authorities and bodies, in particular and without further delay with the Special Rapporteur, and to ensure his access to Myanmar, without preconditions, in order to establish direct contact with the Government and all other sectors of society to allow him fully to discharge his mandate;

3. *Also expresses its appreciation* to the Secretary-General for his report,[66] and notes with concern the observations contained therein;

4. *Deplores* the continuing violations of human rights in Myanmar, including extrajudicial and arbitrary executions, rape, torture, inhuman treatment, mass arrests, forced labour, forced relocation and denial of freedom of expression, assembly, association and movement, as reported by the Special Rapporteur;

5. *Notes with deep concern* the increased restrictions on the freedom of movement and the large numbers of arbitrary detentions and harassment of political activists, including elected representatives to the Parliament, and urges the Government of Myanmar to permit unrestricted communication with and physical access to Aung San Suu Kyi and other political leaders, and to protect their physical well-being;

6. *Strongly urges* the Government of Myanmar to release immediately and unconditionally detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

7. *Urges* the Government of Myanmar to urgently expand and intensify its contacts with the National League for Democracy with a view to engaging in a substantive political dialogue with the General Secretary of the League, Aung San Suu Kyi, and other political leaders, including representatives of ethnic and other groups, as the best means of promoting national reconciliation and the full and early restoration of democracy;

8. *Strongly urges* the Government of Myanmar, taking into account its assurances given at various times, to take all necessary steps towards the restoration of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and to ensure that political parties and non-governmental organizations can function freely, and in this context notes that the National League for Democracy recently established a committee to temporarily represent the Parliament;

9. *Also strongly urges* the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through the transfer of power to democratically elected representatives;

10. *Further strongly urges* the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression, association, movement and assembly, the right to a fair trial and the protection of the rights of persons belonging to ethnic and religious minorities, to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and forced relocations and to enforced disappearances and summary executions, and to fulfil its obligations to end the impunity of perpetrators of human rights violations, including

[65] A/53/364, annex.

[66] A/53/657.

members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

11. *Calls upon* the Government of Myanmar to implement fully the recommendations made by the Special Rapporteur;

12. *Welcomes* the accession by the Government of Myanmar to the Convention on the Elimination of All Forms of Discrimination against Women,[67] and appeals to the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights,[61] the International Covenant on Economic, Social and Cultural Rights[61] and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment[68] and the International Convention on the Elimination of All Forms of Racial Discrimination;[69]

13. *Strongly urges* the Government of Myanmar to fulfil its obligations with regard to the Convention on the Rights of the Child,[70] as set out in the concluding observations of the Committee on the Rights of the Child;[71]

14. *Also strongly urges* the Government of Myanmar to fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29), and the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), of the International Labour Organization, and to implement the recommendations of the International Labour Organization Commission of Inquiry regarding the implementation of the Forced Labour Convention, and encourages further communication between the Government and the International Labour Organization;

15. *Stresses* the importance for the Government of Myanmar to give particular attention to improving the conditions in the country's jails and to allow the competent international humanitarian organization to communicate freely and confidentially with prisoners;

16. *Calls upon* the Government of Myanmar and other parties to the hostilities in Myanmar to respect fully the obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949,[72] to halt the use of weapons against the civilian population, to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law and to avail themselves of such services as may be offered by impartial humanitarian bodies;

17. *Expresses concern* that the situation of human rights in Myanmar, and the lack of stability, have resulted in flows of refugees to neighbouring countries, and may cause further negative effects for those countries, and therefore calls upon the Government of Myanmar to create the necessary conditions to ensure an end to the movements of refugees to neighbouring countries and to create conditions conducive to their voluntary return and their full reintegration, in conditions of safety and dignity;

18. *Welcomes* the recent visits to Myanmar by the Special Envoy of the Secretary-General for the purpose of discussions with the Government and with Aung San Suu Kyi and other political leaders, and further encourages the Government of Myanmar to engage

[67] Resolution 34/180, annex.

[68] Resolution 39/46, annex.

[69] Resolution 2106 A (XX).

[70] Resolution 44/25, annex.

[71] CRC/C/15/Add.69.

[72] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

in a broader and more regular dialogue with the Secretary-General and to facilitate access by his representative to all sectors of society in Myanmar;

19. *Requests* the Secretary-General to continue his discussions on the situation of human rights and the restoration of democracy with the Government of Myanmar, and to submit additional reports to the General Assembly during its fifty-third session on the progress of those discussions, and to report to the Assembly at its fifty-fourth session and to the Commission on Human Rights at its fifty-fifth session on the progress made in the implementation of the present resolution;

20. *Decides* to continue its consideration of this question at its fifty-fourth session.

Draft resolution VIII

Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The General Assembly,

Recalling all relevant resolutions on this subject, in particular Commission on Human Rights resolution 1998/79 of 22 April 1998,[73] as well as all resolutions and statements of the Security Council,

Bearing in mind General Assembly resolution 53/____ of ___ December 1998 on the situation of human rights in Kosovo,

Reaffirming the obligations of all Member States under the Charter of the United Nations and the Universal Declaration of Human Rights,[74] the obligations of States parties under the International Covenants on Human Rights[75] and all other human rights instruments and the obligation of all to respect international humanitarian law, including the Geneva Conventions of 12 August 1949 on the protection of victims of war[76] and the Additional Protocols thereto of 1977,[77] as well as the principles and commitments undertaken by participating States of the Organization for Security and Cooperation in Europe,

Reaffirming also the territorial integrity of all States in the region, within their internationally recognized borders,

Expressing its full support for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),[78] which, *inter alia,* committed the parties of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect fully human rights, and for the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (the "Basic Agreement"),[79]

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[73] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/3), chap. II, sect. A.

[74] Resolution 217 A (III).

[75] Resolution 2200 A (XXI), annex.

[76] United Nations, *Treaty Series,* vol. 75, Nos. 970–973.

[77] Ibid., vol. 1125, Nos. 17512 and 17513.

[78] See *Official Records of the Security Council, Fiftieth Year, Supplement for October, November and December 1995,* document S/1995/999.

[79] Ibid., document S/1995/951.

Expressing its disappointment at the continuing evidence of violations of human rights and fundamental freedoms taking place to varying degrees in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and in particular the failure of the Federal Republic of Yugoslavia (Serbia and Montenegro) to follow the recommendations of the personal representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe,

Welcoming all contributions of the Office of the High Representative, the United Nations, the Organization for Security and Cooperation in Europe, the Council of Europe, the European Community Monitoring Mission, Governments and intergovernmental and non-governmental organizations in the area in 1998,

1. *Calls* for the full and consistent implementation of the Peace Agreement and the Basic Agreement by all parties to them;

2. *Stresses* the crucial role of human rights in the successful implementation of the Peace Agreement, and underlines the obligations of the parties under the Peace Agreement to secure for all persons within their jurisdiction the highest level of international norms and standards of human rights and fundamental freedoms;

3. *Stresses also* the need to focus international human rights efforts in the region on the core issues of the lack of full respect for the human rights and fundamental freedoms of all individuals without distinction, the rule of law and effective administration of justice at all levels of government, the freedom and independence of the media, the freedom of expression, the freedom of association, including with respect to political parties, freedom of religion and the freedom of movement;

4. *Stresses further* the need for enhanced international human rights efforts to foster and effect the prompt and voluntary return of displaced persons and refugees in safety and dignity;

5. *Calls* for an immediate end to illegal and/or hidden detention by all parties, in particular the Federal Republic of Yugoslavia (Serbia and Montenegro), and requests the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to investigate any and all allegations of hidden detainees;

6. *Calls upon* all parties and States in the region to ensure that the promotion and protection of human rights and effective, functioning democratic institutions will be central elements in the new civilian structures, as reaffirmed at the meetings of the Steering Board of the Peace Implementation Council and the Peace Implementation Conference;

7. *Urgently calls upon* all States and all parties to the Peace Agreement that have not done so to meet their obligations to cooperate fully with the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, as required by Security Council resolution 827 (1993) of 25 May 1993 and all subsequent related resolutions, including with respect to surrendering persons indicted by the Tribunal, urges all States to cooperate fully with the Tribunal and its organs, including the obligation of States to comply with requests for assistance, or orders issued by a Trial Chamber, by helping to ensure that persons indicted by the Tribunal stand trial before it, and urges the Secretary-General to support the Tribunal to the fullest extent possible;

8. *Strongly condemns* the continuing refusal of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) as well as those responsible in the Republika Srpska to comply with their obligation to arrest and transfer to the custody of

the Tribunal those indicted known to be present in their territories or territories under their control, *inter alia,* Radovan Karadzic, Ratko Mladic, Milan Martic, Mile Mrksic, Miroslav Radic and Veselin Sljivancanin, and urges all parties to the Peace Agreement to comply fully with their obligations and to intensify their efforts in this regard;

9. *Welcomes* the fact that thirty-four persons indicted by the Tribunal have been brought to justice;

10. *Calls upon* all parties to the Peace Agreement to take immediate steps to determine the identity, whereabouts and fate of missing persons, *inter alia*, near Bugojno, Srebrenica, Zepa, Prijedor, Sanski Most and Vukovar, including through close cooperation with the United Nations, as well as with humanitarian organizations and independent experts, and stresses the importance of coordination in this area;

I. Bosnia and Herzegovina

11. *Welcomes* the free and fair elections held on 12 and 13 September 1998 and the increase in political pluralism and freedom of expression through the participation by all groups and individuals, which represents another step towards democracy in Bosnia and Herzegovina;

12. *Welcomes also* the progress made in some areas of Bosnia and Herzegovina in implementation of the Peace Agreement and improvement in respect for human rights, as demonstrated by the important work of the Office of the Federation Ombudsmen, the detentions and voluntary surrender of persons indicted by the Tribunal, improvement in the freedom of movement in some areas, the establishment of fourteen "open cities", police restructuring and human rights training in Bosnia and Herzegovina, including in some parts of the Republika Srpska, increased cooperation with the International Police Task Force, and efforts towards and progress in support of free and independent media;

13. *Expresses its serious concern* about continuing human rights violations within Bosnia and Herzegovina and delays in the full implementation of the human rights provisions of the Peace Agreement, notably in bringing legislation into compliance with the human rights provisions of the country's national Constitution, and in implementing that legislation;

14. *Urges* the authorities of Bosnia and Herzegovina, in particular those in the Republika Srpska, to ensure full and free access to their territories to all institutions and organizations concerned with the implementation of the present resolution, including non-governmental organizations, and to provide for the protection of those organizations, especially those providing humanitarian assistance;

15. *Calls upon* the Commission on Human Rights for Bosnia and Herzegovina (the "Commission") to intensify its activities concerning alleged or apparent discrimination or violations of human rights of any kind;

16. *Calls upon* all authorities in Bosnia and Herzegovina to cooperate fully with the Commission, and specifically calls upon the Republika Srpska to increase its cooperation with the Commission;

17. *Condemns in the strongest terms* the complicity by local governments in the perpetration of violence against minority refugees and internally displaced persons returning to their homes and the destruction of their homes, including acts of intimidation and all those acts designed to discourage the voluntary return of refugees and internally displaced persons, and calls for the immediate arrest and bringing to justice of those responsible for such actions;

18. *Urges* all parties in Bosnia and Herzegovina immediately to create conditions conducive to the voluntary return, in safety and dignity, of refugees and internally displaced persons to their homes, with equal emphasis on minorities, to pass quickly in Bosnia and Herzegovina the necessary legislation on property rights, to pursue the full and speedy implementation of new property and housing legislation enacted in the Republika Srpska in April 1998, to cooperate with and support the work of the Commission for Real Property Claims of Displaced Persons to resolve outstanding property claims, and to end practices of discrimination based on ethnic or political grounds;

19. *Calls upon* the authorities of both entities to cooperate closely with the Office of the United Nations High Commissioner for Refugees in matters relating to the return of refugees and to ensure that local authorities and groups comply with the obligations of the Peace Agreement;

20. *Calls* for the establishment without delay in the Republika Srpska of institutions for the protection of human rights, in particular a human rights ombudsman;

21. *Reiterates its call* to bring to justice the perpetrators of rape, notably where it was used as a weapon of war, and for adequate assistance and protection for victims of rape and the witnesses thereto;

II. Republic of Croatia

22. *Welcomes* the successful conclusion of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and the Civilian Police Support Group, both of which played an important role in the restoration of peace and stability in Eastern Slavonia, applauds the smooth and seamless transfer of monitoring responsibilities from the United Nations to the Organization for Security and Cooperation in Europe on 16 October 1998, welcomes the cooperation of the Republic of Croatia in bringing those missions to a conclusion, and looks to the Organization for Security and Cooperation in Europe and the Government of the Republic of Croatia to build on the admirable work carried out by the United Nations in Eastern Slavonia;

23. *Welcomes also* the programme for the return and accommodation of displaced persons, refugees and resettled persons, established on 26 June 1998 in the Republic of Croatia,[80] as well as subsequent steps taken, and calls for their full, non-discriminatory and early implementation;

24. *Urges* the Republic of Croatia to implement fully its programme on the re-establishment of confidence, acceleration of return and normalization of living conditions in the war-affected areas of the Republic of Croatia and its refugee return programme in cooperation with the Office of the United Nations High Commissioner for Refugees, and demands that the Republic of Croatia take immediate steps to facilitate the early voluntary return, in safety and dignity, of all refugees and displaced persons, including minorities, to their homes in all regions, to use all available means to assure their safety and human rights, to resolve property rights issues within the framework of the rule of law and in conformity with international standards, to make a sustained effort to provide equal access to assistance in social and housing reconstruction, regardless of ethnicity, to continue to allow access to this population by humanitarian organizations and to maintain its cooperation with the civilian police monitors in Croatia mandated by the Organization for Security and Cooperation in Europe;

[80] S/1998/589, annex.

25. *Calls upon* the Government of the Republic of Croatia to undertake additional efforts to adhere to democratic principles and to continue its efforts to attain the highest level of compliance with international norms and standards of human rights and fundamental freedoms, especially in regard to strengthening the independence of its judiciary, to freedom of association and assembly, and to the promotion and protection of free and independent media, in particular by providing for full freedom of expression in and access to all forms of media, including by the complete range of political parties;

26. *Takes note* of the request of the Government of the Republic of Croatia for technical cooperation and assistance programmes and of the positive response thereto by the United Nations High Commissioner for Human Rights, and looks forward to the effects of those programmes on the situation of human rights and the rule of law;

27. *Strongly urges* the impartial application of the law by the Republic of Croatia and the swift and complete implementation of judicial decisions for all citizens, irrespective of ethnicity, religion or political affiliation;

28. *Reminds* the Government of the Republic of Croatia of its primary responsibility to restore the multi-ethnic character of Croatia, including the pledge to guarantee the representation of national minorities, including Serbs, at various levels of local, regional and national government;

29. *Notes* that police performance has improved markedly since the beginning of the mandate of the Civilian Police Support Group and that the Government has taken steps to ensure that this continues;

30. *Calls upon* the Croatian authorities to prevent harassment, looting and physical attacks against displaced Serbs and other minorities and others, and speedily to arrest those committing or instigating such acts aimed at preventing the return of Croatian Serbs or others to their homes and, in particular, to address immediately any allegations of individual involvement by Croatian police or members of the military, whether on or off duty, through appropriate disciplinary proceedings, and calls upon the Government of the Republic of Croatia to ensure the non-discriminatory application of the amnesty law and to strengthen measures to end all forms of discrimination by Croatian authorities in the areas of property rights, employment, education, pensions and health care, among others;

III. Federal Republic of Yugoslavia (Serbia and Montenegro)

31. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to end any torture and other cruel, inhuman or degrading treatment or punishment of persons in detention, as described in the report of the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro),[81] and to bring those responsible to justice;

32. *Strongly urges* the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to institutionalize democratic norms, especially in regard to respect for the principle of free and fair elections, the rule of law, the administration of justice, the promotion and protection of free and independent media, and full respect for human rights and fundamental freedoms, and calls upon the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) specifically to repeal repressive laws on universities and the media;

[81] A/53/322 and Add.1.

33. *Demands* that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) immediately cease all harassment and hindrance of journalists, whatever their ethnicity or national origin and wherever within the Federal Republic of Yugoslavia (Serbia and Montenegro) they may be practising their profession, repeal repressive laws on universities and the media, which suppress any and all internal dissent or expression of independent views, and concomitantly respect the right of free speech;

34. *Urges* all parties, groups and individuals in the Federal Republic of Yugoslavia (Serbia and Montenegro) to act with full respect for human rights, to refrain from all acts of violence and to act with respect for the rights and dignity of all persons belonging to minority groups;

35. *Strongly urges* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) immediately to bring to justice any persons, in particular those of its personnel, who have engaged in or authorized human rights abuses against the civilian population, including summary executions, indiscriminate attacks on civilians, indiscriminate destruction of property, mass forced displacement of civilians, the taking of civilian hostages, torture and other cruel, inhuman or degrading treatment or punishment and, in this context, reminds the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) of its obligations to cooperate fully with the International Tribunal for the Former Yugoslavia and the United Nations High Commissioner for Human Rights;

36. *Calls upon* the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to revoke all discriminatory legislation and to apply all other legislation without discrimination against any ethnic, national, religious or linguistic group, to ensure the speedy and consistent investigation of acts of discrimination and violence against refugees and internally displaced persons, and to ensure the arrest and punishment of those responsible for acts of discrimination and violence;

37. *Also calls upon* the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect the rights of all persons belonging to minority groups, especially in the Sandjak and Vojvodina, and of persons belonging to the Bulgarian minority, and supports the unconditional return of the long-term missions of the Organization for Security and Cooperation in Europe, as called for by the Security Council in its resolutions 855 (1993) of 9 August 1993 and 1160 (1998) of 31 March 1998;

38. *Further calls upon* the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect the democratic process and to act immediately to make possible the establishment of genuine democratic self-governance in Kosovo, through a negotiated political settlement with representatives of the ethnic Albanian community, to cease all restrictions on freedom of expression or assembly, to ensure that all the residents of the region are guaranteed equal treatment and protection regardless of ethnic affiliation, and calls upon all individuals or groups in Kosovo to resolve the crisis there through peaceful means;

39. *Demands* that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) take immediate steps to allow for and to create conditions for the return of internally displaced persons and refugees in safety and dignity;

40. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate fully with the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations to alleviate the suffering of refugees and internally displaced persons and to assist in their unimpeded return to their homes;

41. *Takes note* of the report of the Special Rapporteur,[81] in which concern is expressed about the continuing grave situation of human rights in Kosovo, as well as the

report of the Secretary-General on the situation of human rights in Kosovo,[82] while noting that the Federal Republic of Yugoslavia (Serbia and Montenegro) is allowing international verifiers into Kosovo;

42. *Welcomes* the establishment of a sub-office of the United Nations High Commissioner for Human Rights in Pristina in the context of the United Nations Field Operation in the Former Yugoslavia;

43. *Calls upon* States to consider additional voluntary contributions to meet the pressing human rights and humanitarian needs in the area, and underlines the need for continuing coordination among States, international organizations and non-governmental organizations of initiatives and programmes with the aim of avoiding duplication, overlap and working at cross-purposes;

44. *Decides* to continue its examination of this question at its fifty-fourth session under the item entitled "Human rights questions".

Draft resolution IX

Situation of human rights in Kosovo

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[83] the International Covenants on Human Rights[84] and other human rights instruments,

Recalling Security Council resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998 and 1203 (1998) of 24 October 1998, as well as the statement made on 24 March 1998 by the Chairman of the fifty-fourth session of the Commission on Human Rights[85] and Commission on Human Rights resolution 1998/79 of 22 April 1998,[86]

Taking fully into account the regional dimensions of the crisis in Kosovo, particularly with regard to the human rights and the humanitarian situation, and deeply concerned at the potential adverse consequences thereof,

Taking note with concern of the report of the Secretary-General on the situation of human rights in Kosovo[87] and the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro),[88] which describe the persistent and grave violations and abuse of human rights and humanitarian law in Kosovo,

Gravely concerned about the systematic terrorization of ethnic Albanians, as demonstrated in the many reports, *inter alia*, of torture of ethnic Albanians, through indiscriminate and widespread shelling, mass forced displacement of civilians, summary executions and illegal detention of ethnic Albanian citizens of the Federal Republic of Yugoslavia (Serbia and Montenegro) by the police and military,

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[82] A/53/563.

[83] Resolution 217 A (III).

[84] Resolution 2200 A (XXI), annex.

[85] *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), para. 28.

[86] Ibid., chap. II, sect. A.

[87] A/53/563.

[88] A/53/322 and Add.1.

Concerned about reports of violence committed by armed ethnic Albanian groups against non-combatants and illegal detention of individuals, primarily ethnic Serbs, by those groups,

Stressing, in this context, the importance of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,

Distressed by the lack of due process in the trials of those ethnic Albanians who have been detained, charged or brought to trial in relation to the crisis in Kosovo,

Concerned by the grave infringements upon the freedom of expression in the Federal Republic of Yugoslavia (Serbia and Montenegro), in particular the adoption of the new law on public information by the Serbian Parliament and the recent closure of several independent newspapers and radio stations in the Federal Republic of Yugoslavia (Serbia and Montenegro),

1. *Welcomes* the commitment made by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to address the conflict and the ongoing human rights violations in Kosovo, as manifested by agreements signed by the Organization for Security and Cooperation in Europe and the North Atlantic Treaty Organization, and the international supervision of elections and verification of the implementation of human rights commitments;

2. *Also welcomes* the withdrawal and return to garrison of a number of military and police units, as demanded by the Security Council in its resolution 1199 (1998), but cautions that such withdrawals must be genuine, complete and lasting;

3. *Welcomes*, further, the establishment by the Organization for Security and Cooperation in Europe of the Kosovo Verification Mission, and calls upon all parties in Kosovo to cooperate fully with the Mission and ensure the protection, freedom of movement and unrestricted access within Kosovo of its personnel;

4. *Welcomes* the conclusion of a memorandum of understanding with the United Nations High Commissioner for Human Rights in accordance with the statement of the Chairman of the Commission on Human Rights,[85] regarding the status of the office in Belgrade, leading the way to the establishment of office premises for the Office of the High Commissioner and the deployment of additional human rights officers in Kosovo;

5. *Calls upon* the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect fully all human rights and fundamental freedoms and to abide by democratic norms, especially in regard to respect for the principle of free and fair elections, the rule of law, the administration of justice, free and fair trials and the promotion and protection of free and independent media;

6. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the ethnic Albanian leadership in Kosovo to condemn acts of terrorism, denounce and refrain from all acts of violence, encourage the pursuit of goals through peaceful means, and respect international humanitarian law and international human rights standards;

7. *Urges* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue, without preconditions and with international involvement, and to commit themselves both to a clear timetable, leading to an end of the crisis, and to a negotiated political settlement of the issue of Kosovo, and welcomes the current efforts aimed at facilitating such a dialogue;

8. *Strongly condemns* the overwhelming number of human rights violations committed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), the police and military authorities in Kosovo, in breach of international humanitarian law including article 3 common to the Geneva Conventions of 12 August 1949[89] and Protocol II to the Conventions relating to the protection of victims of non-international armed conflicts,[90] including summary executions, indiscriminate and widespread attacks on civilians, indiscriminate and widespread destruction of property, mass forced displacement of civilians, the taking of civilian hostages, torture and other cruel, inhuman or degrading treatment, and calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to take all measures necessary to eliminate these unacceptable practices;

9. *Also condemns* the violence by armed ethnic Albanian groups, in particular against non-combatants, including kidnappings;

10. *Also strongly condemns* the denial of appropriate access to Kosovo of non-governmental organizations, the manipulation and denial of relief and basic foodstuffs, and the denial of medical care to wounded civilians, calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to take all measures necessary to eliminate these unacceptable practices forthwith, and recalls the commitment to allow unhindered access to humanitarian organizations and the need to facilitate the return to their homes of internally displaced persons immediately;

11. *Deeply deplores* the killing of humanitarian aid workers, as reported by the Secretary-General;[91]

12. *Calls upon* all parties, in particular those of the Federal Republic of Yugoslavia (Serbia and Montenegro), to clear the area forthwith of all landmines and booby-traps and to work with the relevant international bodies to this end;

13. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to comply with and build on the commitments made by the President of the Republic of Serbia in his statement of 13 October 1998, which were subsequently endorsed by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro);

14. *Also calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) To establish a local police force in Kosovo under local or communal direction, which will be representative of the local population;

(b) To abide by the principle that no person will be prosecuted in state courts for crimes related to the conflict in Kosovo, except for crimes against humanity, war crimes and other crimes covered by international law;

(c) To allow complete, unimpeded access for the International Tribunal for the Former Yugoslavia and its forensic experts to Kosovo, to examine the recently alleged atrocities against civilians;

(d) To mitigate the punishments of and where appropriate to amnesty the ethnic Albanians in Kosovo sentenced for criminal offences motivated by political aims;

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[89] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

[90] Ibid., vol. 1125, No. 17513.

[91] A/53/563, para. 6.

(e) To respect fully all the rights of individuals in Kosovo, whatever their ethnic, cultural or religious backgrounds, so as to guarantee equitable treatment of their values and historic patrimony and so as to preserve and permit expression of their national, cultural, religious and linguistic identities in accordance with international standards and the Helsinki Final Act;

15. *Further calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to open to public observation all trials or criminal prosecutions against all those charged in relation to the conflict in Kosovo;

16. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to make possible the establishment of genuine democratic self-governance in Kosovo, through a negotiated political settlement with representatives of the ethnic Albanian community, as called for by the Security Council in its resolutions 1160 (1998), 1199 (1998) and 1203 (1998), to include executive, legislative and judicial bodies and police, and in so doing to respect the rights of Kosovar Albanians and all who live in Kosovo, and expresses its support for an enhanced status for Kosovo, which would include a substantially greater degree of autonomy;

17. *Also calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to grant access to and free and unaccompanied movement within Kosovo for all humanitarian aid workers and international monitors;

18. *Further calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) To promote and respect fully the freedom of expression and the freedom of the press, without discrimination;

(b) To repeal those legal measures used to discriminate against ethnic Albanians, including repressive laws on universities;

19. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and armed Albanian groups to refrain from any harassment and intimidation of journalists;

20. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to work closely with and support the mission to Kosovo of the personal representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe, and with the Kosovo Verification Mission;

21. *Also calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to investigate and prosecute in all cases where so warranted, notably those cases concerning its personnel, anyone suspected of torture and ill-treatment of persons held in detention;

22. *Further calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to release all political prisoners, to allow unimpeded access by non-governmental organizations and international observers to those prisoners who remain in detention, and to cease the persecution of political leaders and members of local human rights organizations;

23. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and ethnic Albanian leaders to allow for and facilitate the free and unhindered return to their homes, in safety and dignity, of all internally displaced persons and refugees, and expresses its concern about reports of continuing harassment or other impediments in this regard;

24. *Calls upon* the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) and all others concerned to guarantee the unrestricted access of humanitarian organizations and the United Nations High Commissioner for Human Rights to Kosovo, and to allow the unhindered delivery of relief items and ensure the safety and security of humanitarian, diplomatic and other affected personnel accredited to the Federal Republic of Yugoslavia (Serbia and Montenegro), including members of the Verification Mission of the Organization for Security and Cooperation in Europe;

25. *Encourages* the useful cooperation of the United Nations and the Organization for Security and Cooperation in Europe on the ground in the light of the report of the Secretary-General on the situation of human rights in Kosovo;

26. *Requests* the Secretary-General to pursue his humanitarian efforts in the Federal Republic of Yugoslavia (Serbia and Montenegro), working through the Office of the United Nations High Commissioner for Refugees, the World Food Programme, the United Nations Children's Fund, other appropriate humanitarian organizations and the Office of the United Nations High Commissioner for Human Rights, with a view to taking urgent practical steps to meet the critical needs of the people in Kosovo, and to assist in the voluntary return of the displaced persons to their homes in conditions of safety and dignity;

27. *Encourages* the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia to continue investigations at all levels on serious violations of international humanitarian law committed in Kosovo, and reaffirms that such crimes fall within its jurisdiction;

28. *Demands* that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Kosovo Albanian leadership and all others concerned cooperate fully with the Tribunal and honour all of their obligations towards it, *inter alia,* by providing full and free access to Kosovo for the investigators of the Tribunal;

29. *Reiterates its call upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to live up to their commitment to provide financial and material assistance to those residents of Kosovo whose homes have been damaged;

30. *Emphasizes* that legislation on citizenship of the Former Republic of Yugoslavia (Serbia and Montenegro) should be applied in accordance with the principles set out in relevant international instruments, in particular with regard to the standards and principles of the reduction and avoidance of statelessness;

31. *Also emphasizes* that improvement in the promotion and protection of human rights and fundamental freedoms in the Federal Republic of Yugoslavia (Serbia and Montenegro) will assist in establishing a full range of relations with the international community;

32. *Requests* the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territories of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to continue to monitor closely the situation of human rights in Kosovo, to pay especial attention to Kosovo in his reporting and to report his findings to the Commission on Human Rights at its fifty-fifth session and to the General Assembly at its fifty-fourth session;

33. *Decides* to continue the examination of the situation of human rights in Kosovo at its fifty-fourth session under the item entitled "Human rights questions".

Draft resolution X

Situation of human rights in Afghanistan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[92] the International Covenants on Human Rights[93] and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949[94] and the Additional Protocols thereto of 1977,[95]

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide,[96] the International Covenant on Civil and Political Rights,[93] the International Covenant on Economic, Social and Cultural Rights,[93] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[97] the Convention on the Rights of the Child[98] and the Geneva Convention relative to the Protection of Civilian Persons in Time of War,[99] and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,[100]

Recalling also all its relevant resolutions, as well as the resolutions and presidential statements of the Security Council, the decisions of the Economic and Social Council and the resolutions and decisions of the Commission on Human Rights,

1. *Takes note with appreciation* of the report of the Special Rapporteur on the situation of human rights in Afghanistan[101] and of the conclusions and recommendations contained therein;

2. *Strongly condemns* the mass killings and systematic human rights violations against civilians and prisoners of war, and notes with alarm the escalating cycle of mass killings;

3. *Expresses its gravest concern* at numerous reports of mass killings in the areas of Mazar-i-Sharif and Bamiyan by the Taliban;

4. *Condemns* the widespread violations and abuses of human rights and humanitarian law, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, freedom of opinion, expression, religious persuasion, association and movement, and, in particular, the grave human rights violations against women and girls;

5. *Condemns* the killing of Iranian diplomats and the correspondent of the Islamic Republic News Agency by Taliban combatants, as well as the attacks on and the killing of

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[92] Resolution 217 A (III).

[93] Resolution 2200 A (XXI), annex.

[94] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

[95] Ibid., vol. 1125, Nos. 17512 and 17513.

[96] Resolution 260 A (III).

[97] Resolution 39/46, annex.

[98] Resolution 44/25, annex.

[99] United Nations, *Treaty Series*, vol. 75, No. 973.

[100] Resolution 34/180, annex.

[101] A/53/539.

United Nations personnel in Taliban-held territories of Afghanistan, and calls upon the Taliban to fulfil their stated commitment to cooperate in urgent investigations of these heinous crimes, with a view to bringing those responsible to justice;

6. *Notes with deep concern*:

(a) The worsening pattern of human rights violations in Afghanistan;

(b) The continuing and substantiated reports of human rights violations against women and girls, including all forms of discrimination against them, notably in areas under the control of the Taliban;

(c) The intensification of armed hostilities in Afghanistan and the increasingly ethnic and religious nature of the conflict, which have resulted in extensive human suffering and forced displacement, and which hinder the return of the internally displaced to their homes;

(d) The continued displacement of millions of Afghan refugees to the Islamic Republic of Iran and Pakistan;

(e) The lack of major reconstruction in Afghanistan;

7. *Notes with deep concern* the sharp deterioration of the humanitarian situation in several areas of Afghanistan, particularly in Hazarajat, and the worsening security conditions for United Nations and other humanitarian personnel, while taking note of the agreement reached between the Taliban and the United Nations on the security of United Nations personnel in Afghanistan and calling for its full implementation;

8. *Calls upon* the Afghan parties to fully respect all human rights and fundamental freedoms, regardless of gender, ethnicity or religion, in accordance with international human rights instruments;

9. *Urges* all States to respect the sovereignty, independence, territorial integrity and national unity of Afghanistan and to refrain from interfering in its internal affairs;

10. *Urges* all the Afghan parties:

(a) To cease hostilities immediately and to work and cooperate fully with the Special Envoy and the United Nations Special Mission to Afghanistan with a view to achieving a ceasefire, thus laying the foundation for a comprehensive political solution leading to the voluntary return of displaced persons to their homes in safety and dignity and to the establishment of a broad-based, fully representative Government through the full exercise of the right to self-determination of the Afghan people;

(b) To respect fully international humanitarian law, to protect civilians, to halt the use of weapons against the civilian population, to stop the laying of landmines, especially anti-personnel mines, to stop forced conscription and the drafting and recruitment of children as soldiers and to ensure their reintegration into society;

(c) To provide efficient and effective remedies to the victims of grave violations and abuses of human rights and of humanitarian law and to bring their perpetrators to trial in accordance with internationally accepted standards;

(d) To treat all suspects and convicted or detained persons in accordance with relevant international instruments and to refrain from arbitrary detention, including detention of civilian foreign nationals, and urges their captors to release them as well as non-criminal civilian prisoners;

11. *Demands* that all Afghan parties fulfil their obligations regarding the safety of all personnel of diplomatic missions, the United Nations and other international organizations, as well as their premises in Afghanistan, and to cooperate fully and without

discrimination on grounds of gender, nationality or religious persuasion with the United Nations and associated bodies as well as with other humanitarian organizations, agencies and non-governmental organizations;

12. *Urges* all the Afghan parties, in particular the Taliban, to bring to an end without delay all human rights violations against women and girls and to take urgent measures to ensure:

(a) The repeal of all legislative and other measures that discriminate against women;

(b) The effective participation of women in civil, cultural, economic, political and social life;

(c) Respect for the right of women to work and their reintegration in employment;

(d) The right of women and girls to education without discrimination, the reopening of schools and the admission of women and girls to all levels of education;

(e) Respect for the right of women to security of person and that those responsible for physical attacks on women are brought to justice;

(f) Respect for freedom of movement for women;

(g) Reinstatement of full access to health care for women and girls;

13. *Invites* the Secretary-General and the United Nations High Commissioner for Human Rights to proceed without delay to investigate fully reports of mass killings of prisoners of war and civilians, rape and other cruel treatment in Afghanistan, and calls upon the Northern Alliance and the Taliban to fulfil their stated commitment to cooperate with such investigations;

14. *Invites* the Secretary-General and the United Nations High Commissioner for Human Rights to give consideration to the proposal to deploy human rights observers in Afghanistan and to make detailed recommendations to that effect to the General Assembly;

15. *Appeals* to all States, organizations and programmes of the United Nations system, specialized agencies and other international organizations to resume the provision of humanitarian assistance to all in need as soon as the situation on the ground permits;

16. *Expresses its deep concern* at reports of attacks on and looting of cultural artifacts in Afghanistan, and emphasizes that all parties share the responsibility to protect their common heritage, and requests all Member States to take appropriate measures to prevent the looting of cultural artifacts and to ensure their return to Afghanistan;

17. *Urges* all the Afghan parties to extend their cooperation to the Commission on Human Rights and its Special Rapporteur on Afghanistan and to all those Special Rapporteurs who are seeking invitations;

18. *Requests* the Secretary-General to give all necessary assistance to the Special Rapporteur;

19. *Decides* to keep the situation of human rights in Afghanistan under consideration at its fifty-fourth session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.